

3. 2007SP-037U-12

Forest View

Map: 162-00 Parcels:115, 219, 221, 220, 223

Southeast Community Plan

Council District 32 – Sam Coleman

Staff Reviewer: Brian Sexton

A request to change from AR2a and RM20 to SP – MU zoning properties located at 1452, 1450, 1448, 1446, and 1444 Bell Road, approximately 3,515 feet west of Blue Hole Road (40.21 acres), to permit the development of multi-family dwelling units, commercial, office and retail uses, requested by Dale & Associates, applicant, for Charles Leach, Ben Odom, Joanne Davis, F. West, and GTA Investments, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to rezone from Agricultural/Residential (AR2A) and Multi-Family Residential (RM20) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 1452, 1450, 1448, 1446, and 1444 Bell Road, approximately, 3,515 feet west of Blue Hole Road (40.21 acres), to permit the development of multi-family dwelling units, commercial, office, and retail uses.

Existing Zoning

AR2A District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes retail, office, commercial, and residential uses.

SOUTHEAST COMMUNITY PLAN

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. The portion of the property proposed for District One is consistent with the NC policy as the proposed uses that will function as centers of activity. The proposed residential uses in District Two and open space in District Three are consistent with NG policy.

PLAN DETAILS The proposed SP includes three districts, each with its own land uses and bulk standards. A site plan was provided for District Two only. A set of development standards was provided for District One. While the site plan for District One shows a new public street, this is meant to be illustrative only and no specific streets are being proposed within this rezoning request. The site plan for District Two will likely require revisions in order to accommodate a stream corridor that runs through the property.

District One District One, approximately 12 acres in area, is proposed for 60 residential units as well as commercial, retail, and office uses fronting Bell Road from the northern property line to the TVA easement. For any development in this District, a minimum of 40% of the building square footage will be commercial and/or retail tenants. The uses and bulk standards for this district will be similar to those for the MUL zoning district with the following uses excluded: bars, night clubs, and detached single family residences. Building heights are to be three stories and the maximum floor area ratio (FAR) is proposed to be 1.00.

A standard B Buffer is proposed along the western property line in order to provide additional buffering for the existing residential property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forster's tree density requirement is needed.

District Two District Two, approximately 28 acres in area, is proposed for 11 multi-family apartment buildings containing 248 units. District Two also includes an administrative office and pool house. Uses permitted within this sub-district are those allowed under the multi-family (RM15) zoning district. Building heights are limited to three stories. The bulk standards of the RM15 zoning district will apply in District Two.

A standard C buffer is identified along the west and south perimeter of District Two. As is the case for District One, details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forster's tree density requirement is needed.

District Three District Three is approximately 10 acres in area and is proposed for open space. Uses in this portion of the SP are limited to maintenance of the open space.

The buffers in District One and Two, and the open space in District Three, will be managed and maintained through an association set up for this purpose. No details of this association have been provided and will be required prior to Final Site Plan approval for the first phase of this proposed development.

Streets Network and Sidewalks Development Standards were provided for the street network in District One. Parallel parking will be provided along all public streets (excluding Bell Rd.) in front of buildings with frontage on the public street. An east-west public street will be constructed within the mixed-use portion of this SP to provide connection opportunities to adjacent parcels to the east and west. The plan includes multi-use paths with a minimum width of 12 feet in District One to serve pedestrians and bicyclists. The multi-use paths will penetrate the property perimeters in several places to accommodate pedestrian accessibility to adjacent sites. In addition, a network of walking trails, connecting the District One with District Two are proposed.

Access Management Development standards were provided for access management within District One. The plan proposes the following requirements:

- Driveway connections to the new public streets on the east side of the property shall be provided at approximately 400 feet south of the Bell Road property line and shall be consistent with the alignment shown on drawings dated September 9, 2008 for the Forest View SP.
- The northern portion of this SP shall provide a minimum of two street and/or driveway connections to both the east and west property lines for a total of four connection points.

In District Two, the plan shows a 30 foot wide vehicular entrance from a public road.

Parking The number of parking spaces required for each use will be governed by the standards of the Zoning Code. Development standards were provided for the location of parking within District One and will meet the following requirements:

- Parking shall be set back a minimum 100 feet from northern-most Bell Road property line
- There shall be a minimum parking setback of 70 feet from the property line designated along the north/south Public Street.
- All surface parking lots shall be sited behind buildings for screening purposes from Bell Road and all Public Streets.

- Additional parking in the interior of District One shall have a minimum 15 foot setback along all proposed public street frontages.
- Parking spaces within driveways along building frontages shall be parallel to the driveway.

The plan does not provide the number of proposed bedrooms per unit for any of the multi-family buildings. As parking in multi-family developments is determined by the number of bedrooms, this detail is required prior to Final Site Plan approval in order to determine if sufficient parking is provided. All parking in District Two shall satisfy parking requirements as required by the Zoning Code. The plan shows perpendicular parking spaces within the driveways along building frontages. These parking spaces need to be parallel to the driveway.

Building Orientation The development standards submitted by the applicant provide setbacks and building orientation for District One. The plan proposes the following standards:

- Buildings shall have a build-to zone of 30 to 40 feet from the northern-most Bell Road property line extended along Bell Road.
- Front building facades must occupy a minimum of 60% of the length of the build-to zone along public streets.
- Build-to zones for public streets north and south shall be 0 to 15 feet from the property line designated along new public streets.
- In District Two, the plan shows apartment buildings facing common internal parking areas, common space and a public road.

Building Form Requirements The proposed plan provides detail regarding building form in District One. The plan proposes the following standards:

- In District One, minimum ground floor height on commercial and mixed use buildings shall be 14 feet.
- Maximum impervious surface ratio shall be 90%.
- All buildings with frontage along a public street shall provide fenestration for a minimum of 40% of the first floor facade, measured from grade to the 2nd floor FFE.
- All buildings with frontage along a public street shall provide a public entrance facing the public street. Awnings shall be the only type of encroachments allowed.

Signs Sign details were included in this SP. Signs for District One shall be based on the standards of the MUL Zoning District and signs for District Two shall be based on the RM15 zoning district standards. There are no signage standards proposed for District Three. Signs in District Three will also be based on the RM15 zoning district standards but limited to what are necessary to support the open space functions only. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs in District One include building signs only and freestanding ground signs are permitted in District Two. Building signs are attached directly to, or supported by brackets attached directly to a principal building. Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height. Wall mounted building signs shall have a maximum sign area of 30 square feet.

Signs shall be externally lit with steady, stationary, down directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds shall be opaque, only letters and logos may be internally illuminated. Free standing ground signs may be lit from a ground lighting source. All signs in District One and Two shall be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved.

Any phase of development in District One that will include multiple stories and/or tenants shall submit an

overall sign program with the final site plan.

STORMWATER RECOMMENDATIONS Preliminary SP approved except as noted:

- Offsite runoff traverses the property. This runoff should be located within an easement with no building encroachments.

FIRE MARSHAL RECOMMENDATION Reviewed: Conditional Approval

- Approved based on earlier and current comments being met. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

NES RECOMMENDATION NES requires a 20' Public Utility Easement parallel to "Public Road."

- No NES overhead electric utility equipment shall be permitted in the TVA easement.
- Developer shall provide a drawing showing any existing utility easements and utility equipment/facilities on property.
- Public Utility Easement required adjacent to all public rights of way and all NES conduits shall lie inside a PUE (width to be determined).
- 20-foot wide PUE centered on NES underground conduit system and pad-mounted equipment. In some cases, additional easements may be required
- NES Engineering staff can meet with developer/engineer upon request to determine electrical service options.
- Developer to provide to NES all plans for road improvements required by Metro Public Works.
- NES follows the National Fire Protection Association (NFPA) rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules See www.nespower.com to reference The "Builders and Contractors Section" of the NES web site has the Guidelines and Manuals tab for the developer's Engineers to reference for their site planning.
- Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval.
- Developer to provide construction drawings and a digital .dwg file in State Plane coordinates (TN83F) containing the civil site information when requesting service from NES.
- Civil site plans shall be provided with approved revisions requested by Metro Planning with all changes from other departments (i.e., road, drainage, etc).
- Any 3-phase transformer locations must be indicated on preliminary layout drawings (i.e. pump services, office buildings, etc).

PUBLIC WORKS RECOMMENDATION

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- No direct access will be allowed to Bell Road other than from the single proposed public road.
- All references to future roadway or driveway connections should be removed from the submitted sketch.
- The proposed public road should align with the existing commercial driveway on the north side of Bell Road.

With the construction of District One:

- In the absence of a proposed development plan and prior to any approvals in District One, a comprehensive development plan and traffic study must be submitted and approved by the Department of Public Works to determine the number and location of access points, the number of required parking spaces, and any off-site improvements that may be required.
- Construct all improvements as identified for District Two, including any additional off-site improvements as determined by the Department of Public Works.

With the construction of District Two:

- Construct the site access road at Bell Road with one entering and two exiting lanes (LT and RT) each with a minimum of 150 ft of storage and transitions per AASHTO/MUTCD standards.
- Construct an eastbound right turn lane on Bell Road at the site access road with 150 ft of storage and transitions per AASHTO/MUTCD standards.
- Prior to the preparation of construction plans, document adequate sight distance at project access locations. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.
- Developer shall conduct a signal warrant analysis on Bell Road at the intersection of the proposed public road, with the submittal of any and all final SP plans or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.

Maximum Uses in Existing Zoning District: RM20

| Land Use (ITE Code) | Acres | Density | Total Number of units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------------|-------|---------|-----------------------|-----------------------|--------------|--------------|
| Residential Condo/Townhome (230) | 13 | 20 | 260 | 1447 | 111 | 132 |

Maximum Uses in Existing Zoning District: AR2a

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family detached(210) | 27 | 0.5 | 13 | 125 | 10 | 14 |

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-----|------------------|-----------------------|--------------|--------------|
| General Retail(814) | 40 | N/A | 45,000 | 1963 | 43 | 130 |

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | Density | Total Density | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------------|-------|---------|---------------|-----------------------|--------------|--------------|
| Residential Condo/townhome (230) | 40 | N/A | 460 | 2349 | 176 | 211 |

*Assumes a 1,200 square foot dwelling unit

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-----|------------------|-----------------------|--------------|--------------|
|---------------------|-------|-----|------------------|-----------------------|--------------|--------------|

| | | | | | | |
|----------------------|----|-----|--------|------|-----|-----|
| Shopping Center(820) | 40 | N/A | 64,000 | 5082 | 120 | 467 |
|----------------------|----|-----|--------|------|-----|-----|

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | | | | +7822 | +218 | +662 |

METRO SCHOOL BOARD REPORT

Projected student generation 44 Elementary 25 Middle 25 High

Schools Over/Under Capacity Students would attend Maxwell Elementary School, Marshall Middle School, or Cane Ridge High School. Maxwell Elementary School has been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within this cluster.

Fiscal Liability The fiscal liability for 44 elementary students is \$880,000. This is for informational purposes to show the potential impact of this proposal. It is not a staff condition of approval. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION The proposed SP plan is consistent with the NC and NG policies and staff is recommending approval with conditions.

CONDITIONS

1. This SP is limited to retail, office, and residential uses in District One, residential in District Two, and open space in District Three.
2. Commercial and/or retail tenants shall be a minimum of 40% of the built square footage in District 1.
3. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list for Districts One and Two to be approved by the Urban Forester
4. Prior to final site plan approval of the first phase of this development, an association to manage and maintain the landscape buffer yards shall be established and a management plan shall be prepared by the applicant and approved by the Urban Forester.
5. Any Final Site Plan for any phase of the SP containing multi-family units shall include the number of proposed bedrooms per units in order to determine if sufficient parking is provided.
6. The requirements of the Public Works Department shall be completed, bonded or satisfied as specifically required by Public Works.
7. All Final Site Plans for any phase of development shall located offsite runoff within an easement with no building encroachments.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, District One shall be subject to the standards, regulations and requirements of the MUL zoning district, District Two shall be subject to the standards, regulations and requirements of the RM15 zoning district. District Three shall be subject to the standards, regulations and requirements of the AR2A zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the

- Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions, and the applicant has agreed to prohibit residential uses in District One and a new plan will be submitted. The final site plan will go back to the Commission for approval, **(8-0-1)**

Consent Agenda

Resolution No. RS2008-243

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-037U-12 is **APPROVED WITH CONDITIONS, the applicant has agreed to prohibit residential uses in District One and a new plan will be submitted. All final site plan shall be presented to the Commission for approval. (8-0-1)**

Conditions of Approval:

1. This SP is limited to retail, office, and residential uses in District One, residential in District Two, and open space in District Three.
2. Commercial and/or retail tenants shall be a minimum of 40% of the built square footage in District 1.
3. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list for Districts One and Two to be approved by the Urban Forester
4. Prior to final site plan approval of the first phase of this development, an association to manage and maintain the landscape buffer yards shall be established and a management plan shall be prepared by the applicant and approved by the Urban Forester.
5. Any Final Site Plan for any phase of the SP containing multi-family units shall include the number of proposed bedrooms per units in order to determine if sufficient parking is provided.
6. The requirements of the Public Works Department shall be completed, bonded or satisfied as specifically required by Public Works.
7. All Final Site Plans for any phase of development shall located offsite runoff within an easement with no building encroachments.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, District One shall be subject to the standards, regulations and requirements of the MUL zoning district, District Two shall be subject to the standards, regulations and requirements of the RM15 zoning district.

- District Three shall be subject to the standards, regulations and requirements of the AR2A zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
 10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-MU is consistent with the Southeast Community Plan's Neighborhood Center and Neighborhood General policies which are intended for a mixture of commercial, retail and residential uses."